

**RESOLUTION NO. 5115**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, MAY 11, 2004 FOR THE SUBMISSION OF A BALLOT MEASURE RELATED TO UTILITY USERS TAX**

WHEREAS, the City Council of the City of Maywood, California, desires to submit to the voters of the City at a Special Municipal Election a proposed measure relating to the utility users tax; and

WHEREAS, Government Code Sections 53724(c) and 53724(d) state the election is required to be consolidated with a statewide primary election or a statewide general election, or a regularly scheduled local election at which all of the electors of the local government or district are entitled to vote, unless the City Council allows for the election on the proposed tax to be held on any other date permitted by law; and

WHEREAS, Proposition 218 requires that general tax elections be consolidated with regularly scheduled general elections for the members of the governing body proposing the tax, except in cases of emergency declared by a unanimous vote of the governing body.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES HEREBY RESOLVE, DECLARE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Proposition 218, the City Council determines that an emergency exists and therefore the calling of a Special Election on a date other than a regularly scheduled local election is necessary per the following findings:

- a. The Supreme Court has issued a decision adverse to the City in a legal action challenging the Utility User Taxes lacking voter approval pursuant to the provisions of Proposition 62, even though the Court did not specifically hold that the tax was invalid;
- b. The next regularly scheduled election at which the measure, which allows for voter approval of the tax is not until March 2005;
- c. The City may be ordered at a later date by a Court to submit the tax to voter approval;
- d. In order to expedite voter approval and to protect the rights of the people, an emergency exists such that an election relating to the utility users tax measure needs to be conducted as soon as practicably possible, which is May 11, 2004; and
- e. There is presently sufficient time to comply with all election requirements relating to that measure being voted on at that time.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Maywood, California, on Tuesday, May 11, 2004, a Special Municipal election for the purposes of submitting the following measure:

**"MEASURE P**

To prevent reduction in general City services, such as parks, police, and public works, shall the existing utility user tax established by the City in 1992, be affirmed with the exception that the residential utility user tax shall be reduced to 4% and the business utility user tax shall be set at 7%, provided that seniors and the disabled remain exempt from the tax?"

YES

NO

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and this resolution shall take full force and effect upon adoption.

PASSED APPROVED AND ADOPTED this 10 day of February, 2004

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY



**RESOLUTION NO. 5118**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 11, 2004.**

WHEREAS, a Special Municipal Election is to be held in the City of Maywood, California, on May 11, 2004; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Maywood;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the provisions of § 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish to the City for use in conducting the election the computer record of the names and address of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and will also furnish to the City printed indices of the voters to be used by the precinct board at the polling place; and will make available to the City additional election equipment and assistance according to state law.

SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

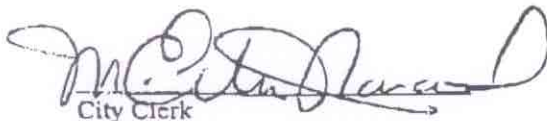
SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of February, 2004.

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney